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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/531,851

03/20/2000

William Pendergast

36780028US04

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06/06/2005

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EXAMINER

OWENS JR, HOWARD V

ART UNIT

PAPER NUMBER

1623

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/531,851

Examiner

Howard V. Owens

Applicant(s)

PENDERGAST ET AL.

Art Unit

1623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 2/17/05 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

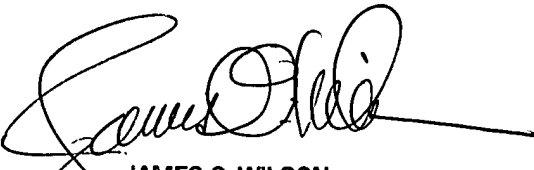
b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: _____


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TECHNOLOGY CENTER 1600

Handwritten initials "A26" in the bottom right corner.

The rejection of claims 12-15, 18 and 19 under 35 U.S.C. § 103 as being unpatentable over Gorodeski et al. (Gorodeski), American J. of Physiol., Vol. 270, C1715-25 is maintained for the reasons of record. Applicant's chief assertion is that Gorodeski teaches a different secretion process wherein blood not mucin is secreted into the membrane. Applicant should note that Gorodeski teaches mucus production in response to purinergic agonists, see p. C1215; moreover, assuming arguendo that Gorodeski only teaches blood secretion, the claims are broadly drawn to "affecting properties of the vaginal and cervical mucosa", which is not isolated to the secretion of mucin and encompasses the secretion of blood as well.